



The Confederated Tribes of the Colville Reservation Office of the Reservation Attorney

Phone Number 2381/2389 – Fax Number 2387



March 13, 2013

Mary Queitzsch
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Re: Transfer of CIPV Facility - EPA DOCKET NO. RCRA-10-2002-0011

Dear Ms. Queitzsch:

Per Section IV(11) of the EPA/ETD Combined Administrative Order on Consent, U.S. EPA Docket No. RCRA-10-2002-0011 (“CAOC”) in the above docketed matter (Exhibit 1, Order), this letter is to inform you that the majority of the Facility identified in the CAOC, commonly referred to as the CIPV site, has previously been transferred from CTEC to the Confederated Tribes of the Colville Reservation (“Tribe”), and will soon be transferred from the Tribe to CTFC. These transfers will facilitate economic development on the Reservation, and conserve financial resources since land owned by Tribes or certain types of Tribal entities may qualify for tax exemption. The Tribe’s perspective is that while the land may be transferred between tribal entities, these transfers should not interfere with compliance with the CAOC. As discussed below significant progress has been made in this regard, and the Tribe seeks to have final closure of the CAOC as soon as possible.

1. Current Status of Lands

- (i) On June 18, 2011 CTEC issued a quit claim deed to the Confederated Tribes of the Colville Reservation for the majority of CIPV Property. (CTEC Deed to Tribe, Exhibit 2)
- (ii) Within 45 days of the date of this letter, the Tribe intends to transfer some, if not all, of the property it received from CTEC to CTFC. CTFC is a Section 17 Corporation formed by the Tribe pursuant to Section 17 of the Wheeler-Howard Act of 1934 (codified at 25 U.S.C. § 477). CTFC will lease this land to a third party for industrial use.

2. Remaining Issues

- (i) ETD has concluded that remediation required by the CAOC has been completed. While the administrative and institutional controls required by the CAOC have not yet been addressed, ETD maintains that these institutional controls can be implemented through an ETD order to CTFC.

(ii) In your email of June 17, 2011 you outlined the outstanding issues in regards to closing the CAOC. Each of these issues is addressed below:

1. Your email identifies a need for proof of compliance with Paragraph 23 of the CAOC. The attached financial document (Exhibit 3, Key Bank Statement) demonstrates that the required account was established, and shows the current amount available in the fund is \$159,094.82
2. Your email identifies a need to comply with 24 b,c,d, and e. Attached is a copy of the escrow instructions (Exhibit 4, Escrow Instructions).
3. Your email states that EPA does not have documentation in EPA's files to show that CTEC certified all work done at the Boneyard. However, the CIPV Boneyard Site Investigation Report of 4/2003 (Exhibit 5, Boneyard Investigation Report) concludes no further cleanup work is necessary. Additionally, the EPA letter to CIPV dated 1/31/2007 concludes the Boneyard cleanup is complete (Exhibit 6, EPA Certification). Finally, The Corrective Measures Implementation Results Report of 5/2/2007 (Exhibit 7, Implementation Results Report) documents all corrective measures identified and implemented under the CAOC, including the Boneyard. Finally, by letter dated 1/22/2009 CTEC "certified" all corrective measures required by the CAOC were complete, including corrective measures relevant to the Boneyard. (Exhibit 8, CTEC Certification). You further state that EPA needs the documentation and certification regarding clean-up of the AST oil spill or any other additional work. While this cleanup work was not part of the Order, Exhibit 8 also addresses these issues.
5. Your Email states that EPA does not have documents in its file to establish the status of ongoing groundwater clean-up work such as monitored natural attenuation, and that EPA needs complete information on the status of the monitored natural attenuation and information on all wells on and off site. The last ground water monitoring event was in 2009. I have attached the Facility Corrective Measures Implementation 2009 Annual Groundwater Monitoring Report (Exhibit 9).
6. The Tribe maintains that cleanup required under the CAOC is complete on the land that will be transferred, and that while institutional controls are required on the transferred lands, to the extent that institutional controls are appropriate, the ETD will enter into an Agreement with CTFC, or if necessary issue an Order to maintain these institutional controls.

We are scheduled to discuss these items on Thursday, March 14, 2013 at 2:00 p.m. I look forward to discussing these issues with you then, and appreciate your time and consideration. In the meantime, please call me at (509) 634-2384 or email me at chaitna.sinha@colvilletribes.com if you have any questions.

Sincerely,



Chaitna Sinha, Attorney
Confederated Tribes of the Colville Reservation